

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TERRA PARTNERS; TERRA XXI, LTD.;
ROBERT WAYNE VEIGEL;
ELLA MARIE WILLIAMS VEIGEL;
VEIGEL FARMS, INC.; VEIGEL CATTLE
COMPANY; and VEIGEL FARM PARTNERS,

Plaintiffs,

v.

No. 2:15-cv-236-J

AG ACCEPTANCE CORPORATION,

Defendant.

REPLY IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

Keleher & McLeod, P.A. (Jeffrey Dahl and Justin Breen) and the Law Offices Of Philip Roland Russ¹ (collectively “Movant”) hereby provide their reply in support of their request of the Court's leave to permit their withdraw as counsel (“Motion”) for Terra Partners, Terra XXI, Ltd., Robert Wayne Veigel, Ella Marie Williams Veigel, Veigel Farms, Inc., Veigel Cattle Company, and Veigel Farm Partners (“Plaintiffs”).

1. Movants filed the Motion on February 5, 2016. [Doc. 53.]

2. On February 8, 2016, the Court entered an Order [Doc. 58] requiring, among other things, that Plaintiffs retain counsel within 21 days of the date of the Order. The Court is then going to “...further rule upon the relief requested in [Motion]...” after the appearance of new counsel. [Id.]

3. Plaintiffs have not filed any response to the Motion.

4. No attorney has entered an appearance on behalf of Plaintiffs.

¹ Mr. Russ is local counsel.

5. Ag Acceptance Corporation (“Defendant”) filed a response in opposition to the Motion. [Doc. 59.]

6. In its response, Defendant states that “[p]erhaps the most important reason...” for opposing withdrawal is “...Steve Veigel’s long history of frivolous or otherwise inappropriate *pro se* filing.” [Doc. 59 pg.2.] Defendant also opposes withdrawal because, allegedly, withdrawal of counsel will cause excessive delay at this stage of the case. [Doc. 59, pg. 1].

7. Movant provided Mr. Veigel’s contact information in the Motion because there are seven Plaintiff parties, most of which are entities, and because Mr. Veigel is the point of contact for the Plaintiffs. In doing so, Movant was not proposing, or stating, that Mr. Veigel would be acting as counsel in this matter.

8. Movant acknowledges the Court’s previous admonishments to Mr. Veigel, prohibiting him from engaging in matters as legal counsel, but respectfully offers that that is no reason to deny Movant’s withdrawal. The Court has already addressed those concerns by ordering Plaintiffs to obtain replacement counsel.

9. Defendant cites the Texas Disciplinary Rules of Professional Conduct in the response, and in doing so evidently challenges whether Movant has good cause to withdraw in this matter. [Doc. 59 pg. 2.] Those rules and New Mexico’s Rules of Professional Conduct both require withdrawal of an attorney when, among other things, representation will result in a violation of the applicable rules of professional conduct. [New Mexico Rule 16-116(A)(1) NMRA; Texas Rule 1.15(a)(1).]

10. Movants are limited by the applicable rules of professional conduct from fully articulating the details underlying their request to withdraw as counsel to Plaintiffs under the circumstances and from explaining why continued involvement as counsel would amount to a violation of the applicable rules.

11. Accordingly, Movants state in the Motion that they and Plaintiffs have irreconcilable differences as to how the course of this litigation should proceed, which have resulted in the deterioration of the attorney client relationship such that Movant's representation of Plaintiffs cannot continue.

12. That statement, though lacking in specific factual detail, is nevertheless accurate and sufficiently limited to preserve and protect attorney client confidences under the circumstances.

13. Defendant incorrectly states that “[Movants] waited until the week dispositive motions were due to file their [Motion],” suggesting that there was some strategic motive in the timing of the Motion. [Doc. 59, pg. 3.] The ready for trial date in this matter is April 4, 2016. As of yet, there is no trial setting. Movants acknowledge that the ready for trial date in this matter, and other trial deadlines, is and are quickly approaching.

14. However, the timing of the circumstances resulting in the need for the Motion were not within the control of Movant and Movant did not idly “wait until the week dispositive motions were due” to file the Motion. Movant acted promptly and diligently once the circumstances underlying the request for withdrawal arose.

WHEREFORE, Movant respectfully requests that the Court permit them to withdraw as counsel for Plaintiffs.

Respectfully submitted,

KELEHER & MCLEOD, P.A.

By: /s/ Justin B. Breen

Filed Electronically on March 7, 2016

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CERTIFICATE OF SERVICE

THIS HEREBY CERTIFIES that on March 7, 2016, I electronically filed the foregoing document with the Clerk of the Court for the Northern District Of Texas by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participants:

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I hereby certify that the following party was served a copy of this Reply by regular mail and by email on March 7, 2016.

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